

the motion to dismiss outright or it can craft conditions to cure the prejudice. *Elbaor*, 279 F.3d at 317-18. One condition available to the district court is dismissal with prejudice. *Id.* at 319.

Plaintiff has requested that “the Court dismiss the matter with prejudice rather than granting summary judgment.” (Pl.’s Reply ¶ 6, Doc. No. 60.) Accordingly, the Court finds that it is appropriate to grant Plaintiff’s motion to dismiss on the condition that the dismissal be with prejudice.

Plaintiff’s motion to dismiss this case pursuant to Rule 41(a)(2) (Doc. No. 58) is therefore GRANTED. This case is hereby DISMISSED WITH PREJUDICE.

The Clerk is directed to close this case and enter judgment that Plaintiff recover nothing.

All other pending motions are dismissed as moot.

It is so ORDERED.

SIGNED this 16th day of May, 2013.

A handwritten signature in black ink, appearing to read 'Xavier Rodriguez', with a horizontal line underneath it.

XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE